REMARKS

Claims 1-14 are pending. Claims 1-14 stand rejected.

SUBSEQUENT OFFICE ACTION SHOULD BE NON-FINAL IF APPLICANTS PREVAIL

It is respectfully submitted that, if Applicants are successful in traversing the rejections based, at least in part, on United States Patent No. 5,426,424 ("Vanden Heuvel"), then the error will have been on the part of the United States Patent and Trademark Office and the next Office Action, if necessary, should be **Non-Final**.

ARGUMENT

Claims 1-4 and 8-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,426,424 ("Vanden Heuvel"). Applicants respectfully traverse the rejection as set forth below.

Claim 1 recites, in part, "the processor having a memory ... and an array configured to control the sequence of memory fragments from which data is read".

In finding Applicants' unpersuasive, the Examiner states "[t]he examiner would like to point out that the applicant has failed to recognize **memory 115 in fig. 1** of Vanden Heuvel, **which is part of processor 106** [sic] and does include the fragments and array shown in fig. 5 (evidence shown in col. 5, lines 3-18)". Office Action Made Final at page 4.

Applicants respectfully draw the attention of the Examiner to FIG. 1 of Vanden Heuvel.

Is box 115 (alleged by the Examiner to be the memory that is part of processor 105) inside or outside of box 105 (i.e., the microcontroller 105 referenced in Vanden Heuvel at col. 5, lines 3-18

cited by the Examiner)?

Applicants respectfully submit that the Examiner will have to agree that memory 115 is **outside** of the dashed box delineating microcontroller 105.

In other words, memory 115 **is not part of** microcontroller 105 (alleged by the Examiner to be the processor as set forth in claim 1).

Therefore, Vanden Heuvel does not describe "**the processor having a memory** ... and an array configured to control the sequence of memory fragments from which data is read" as set forth in claim 1.

Applicants respectfully submit that the Examiner's explanation in view of the evidence illustrated in FIG. 1 of Vanden Heuvel cannot stand and that the Examiner has misinterpreted Vanden Heuvel at col. 5, line 3-18.

For at least the above reasons, it is respectfully submitted that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-4).

Claim 1 also recites, in part, "a wireless transceiver". However, Vanden Heuvel does not describe a wireless <u>transceiver</u>. Instead, Vanden Heuvel describes a <u>receiver</u>. Applicants respectfully draw the attention of the Examiner to the title of Vanden Heuvel, namely, "Selective Call <u>Receiver</u> with Database Capability". In addition, the Abstract references a "selective call receiver (100)". See Vanden Heuvel at line 1 of Abstract. The selective call receiver 100 is illustrated in FIG. 1 of Vanden Heuvel. The Brief Description of the Drawings describes FIG. 1 as "a block diagram of a selective call receiver that operates in accordance with the preferred embodiment of the present invention". Vanden Heuvel at col. 2, lines 60-62.

Since Vanden Heuvel does not describe a "wireless transceiver" as set forth in claim 1, but instead describes a receiver, namely, a selective call receiver 100, Applicants respectfully submit that the anticipation rejection cannot be maintained.

For at least the above reasons, it is respectfully submitted that the rejection under 35 U.S.C.

§ 102(b) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-4).

In addition, claim 2 depends from claim 1. Accordingly, the reasons set forth above traversing the anticipation rejection with respect to claim 1 are also made with respect to claim 2. However, the elements set forth in claim 2, but not set forth in claim 1, are also not anticipated by Vanden Heuvel.

Claim 2 recites, in part, "wherein the processor further comprises a second array configured to indicate a status of each of the memory fragments".

In support of the anticipation rejection, the Office Action alleges that the second array as set forth in claim 1 is control register 503 of FIG. 5 of Vanden Heuvel.

However, Applicants respectfully draw the attention of the Examiner to the fact that Vanden Heuvel does not describe that control register 503 of FIG. 5 is part of the processor 106 of FIG. 1 of Vanden Heuvel. Furthermore, Vanden Heuvel does not describe the control register 503 of FIG. 5 as being configured to indicate a status of each of the memory fragments as set forth in claim 2.

Accordingly, Vanden Heuvel does not describe a processor that further comprises a second array configured to indicate a status of each of the memory fragments as set forth in claim 2. For at least the above reasons, an anticipation rejection based on Vanden Heuvel cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 2.

In addition, claim 3 depends from claim 2 which, in turn, depends from claim 1. Accordingly, the reasons set forth above traversing the anticipation rejection with respect to claims 1 and 2 are also made with respect to claim 3. However, the elements set forth in claim 3, but not set forth in claims 1 and 2, are also not anticipated by Vanden Heuvel.

Claim 3 recites, in part, "wherein the status indicated by the second array for each of the memory fragments comprises a bit to indicate whether its respective memory fragment is empty".

In support of the anticipation rejection, the Office Action alleges that at least these elements

are described in Vanden Heuvel at col. 4, lines 40-46. Applicants respectfully disagree. Col. 4, lines 40-46 does not describe status indicated by a second array (alleged to be control register 503) comprising a bit to indicate whether its respective memory fragment is empty. In fact, Vanden Heuvel does not describe the previously alleged control register 503 at all. And, even if it did, for the sake of argument only, the level of detail as set forth in claim 3 is not described in Vanden Heuvel at col. 4, lines 40-46. Accordingly, the anticipation rejection cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 3.

In addition, claim 4 depends from claim 1. Accordingly, the reasons set forth above traversing the anticipation rejection with respect to claim 1 are also made with respect to claim 4. However, the elements set forth in claim 4, but not set forth in claim 1, are also not anticipated by Vanden Heuvel.

Claim 4 recites, in part, "wherein the processor further comprises a read pointer configured to indicate the memory fragment from which the data is being read".

In support of the anticipation rejection, the Office Action alleges that the processor comprising the read pointer as set forth in claim 1 is read pointer 804 of FIG. 8 of Vanden Heuvel.

However, Applicants respectfully draw the attention of the Examiner to the fact that Vanden Heuvel does not describe that the read pointers alluded to in FIG. 8 are part of the processor 106 of FIG. 1 of Vanden Heuvel.

Accordingly, Vanden Heuvel does not describe a processor that further comprises a read pointer configured to indicate a memory fragment from which data is being read as set forth in claim 4. For at least the above reasons, an anticipation rejection based on Vanden Heuvel cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 4.

The same or similar arguments made with respect to claim 1-4 are made, if appropriate, with

respect to claims 8-11.

For at least the above reasons, an anticipation rejection based on Vanden Heuvel cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to claim 8 and its rejected dependent claims (i.e., claims 9-11).

In view of the above arguments and in light of the teaching deficiencies of Vanden Heuval, it is respectfully requested that the obviousness rejection based, in part, on Vanden Heuval be withdrawn with respect to claims 5-7 and 12-14.
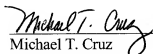
CONCLUSION

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-14 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

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